



General Assembly

February Session, 2010

Raised Bill No. 5249

LCO No. 1225

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Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE CONFIDENTIALITY OF CERTAIN
DOCUMENTS AND RECORDS IN PSYCHIATRIC SECURITY REVIEW
BOARD PROCEEDINGS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-596 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) Prior to any hearing by the board concerning the discharge,
4 conditional release or confinement of the acquittee, the board,
5 acquittee and state's attorney may each choose a psychiatrist or
6 psychologist to examine the acquittee. The results of the examination
7 shall be in writing and filed with the board, and shall include, but need
8 not be limited to, an opinion as to whether the acquittee is a person
9 with psychiatric disabilities or mentally retarded to the extent that [his]
10 the acquittee's release would constitute a danger to [himself] the
11 acquittee or others and whether the acquittee could be adequately
12 controlled with treatment as a condition of release. To facilitate
13 examination of the acquittee, the board may order [him] the acquittee
14 placed in the temporary custody of any hospital for psychiatric
15 disabilities or other suitable facility or placed with the Commissioner

16 of Developmental Services.

17 (b) The board shall consider all evidence available to it that is
18 material, relevant and reliable regarding the issues before the board.
19 Such evidence may include, but [is] need not be limited to, the record
20 of trial, the information supplied by the state's attorney or by any other
21 interested party, including the acquittee, and information concerning
22 the acquittee's mental condition and the entire psychiatric and criminal
23 history of the acquittee.

24 (c) Testimony shall be taken upon oath or affirmation of the witness
25 from whom the testimony is received.

26 (d) Any hearing by the board, including the taking of any testimony
27 at such hearing, shall be open to the public. At any hearing before the
28 board, the acquittee shall have all the rights given a party to a
29 contested case under chapter 54. In addition to the rights enumerated
30 [thereunder] in chapter 54, the acquittee shall have the right to appear
31 at all proceedings before the board, except board deliberations, and to
32 be represented by counsel, to consult with counsel prior to the hearing
33 and, if indigent, to have counsel provided, pursuant to the provisions
34 of chapter 887, without cost. At any hearing before the board, copies of
35 documents and reports considered by the board shall be available for
36 examination by the acquittee, counsel for the acquittee and the state's
37 attorney. [The confidentiality of these reports shall be determined
38 pursuant to sections 52-146c to 52-146j, inclusive.] Psychiatric or
39 psychological reports concerning the acquittee that are in the
40 possession of the board shall not be public records or files, as defined
41 in section 1-200, except that any such report or portion of such report
42 considered by the board or used as evidence concerning the discharge,
43 conditional release or confinement of the acquittee shall be a public
44 record or file, as defined in section 1-200. The provisions of sections 52-
45 146c to 52-146j, inclusive, shall not apply to the determination of
46 whether psychiatric and psychological reports in the possession of the
47 board, or portions of such reports, are public records.

48 (e) Upon request of any party before the board, or on its own
49 motion, the board may continue a hearing for a reasonable time not to
50 exceed sixty days to obtain additional information or testimony or for
51 other good cause shown.

52 (f) At any hearing before the board, the acquittee, or any applicant
53 seeking an order less restrictive than the existing order, shall have the
54 burden of proving by a preponderance of the evidence the existence of
55 conditions warranting a less restrictive order.

56 (g) A record shall be kept of all hearings before the board, except
57 board deliberations.

58 (h) Within twenty-five days of the conclusion of the hearing, the
59 board shall provide the acquittee, [his] the acquittee's counsel, the
60 state's attorney and any victim as defined in section 17a-601 with
61 written notice of the board's decision. If there is no victim or the victim
62 is unidentified or cannot be located, the board shall be relieved of the
63 requirement of providing notice to the victim.

64 Sec. 2. Section 17a-590 of the general statutes is repealed and the
65 following is substituted in lieu thereof (*Effective October 1, 2010*):

66 As one of the conditions of release, the board may require the
67 acquittee to report to any public or private mental health facility for
68 examination. Whenever medical, psychiatric or psychological
69 treatment is recommended, the board may order the acquittee, as a
70 condition of release, to cooperate with and accept treatment from the
71 facility. The facility to which the acquittee has been referred for
72 examination shall perform the examination and submit a written
73 report of its findings to the board. If the facility finds that treatment of
74 the person is appropriate, it shall include its recommendations for
75 treatment in the report to the board. Whenever treatment is provided
76 by the facility, [it] the facility shall furnish reports to the board on a
77 regular basis concerning the status of the acquittee and the degree to
78 which [he] the acquittee is a danger to himself or others. The board

79 shall furnish copies of all such reports to the acquittee, counsel for the
80 acquittee and the state's attorney. [The confidentiality of these reports
81 shall be determined pursuant to sections 52-146c to 52-146j, inclusive.]
82 Reports furnished pursuant to this section shall not be public records
83 or files, as defined in section 1-200. The facility shall comply with any
84 other conditions of release prescribed by order of the board.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	17a-596
Sec. 2	<i>October 1, 2010</i>	17a-590

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Sec. 2	<i>October 1, 2010</i>	17a-590

Statement of Purpose:

To clarify the confidentiality of psychiatric and psychological reports in the possession of the Psychiatric Security Review Board.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]